

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67218 of 2023**

Arising Out of PS. Case No.-253 Year-2023 Thana- ROSERA District- Samastipur

Md. Rahmat, Son Of Md. Sabir @ Savir Sah, Resident Of Village- Belsandi  
Tara, Ps- Bibhutipur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP 100)

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      17-10-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Rosera P.S. Case No. 253/2023, lodged on 07.04.2023 under  
Section 394 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been  
lodged against unknown accused persons with allegation that  
they committed loot of Scorpio vehicle of the informant on the  
point of pistol.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. The  
petitioner is not named in the FIR, rather his name has figured  
in this case on the basis of confessional statement of co-accused.  
There is neither any recovery from the possession of the



petitioner nor he has been put on Test Identification Parade. The petitioner is in custody since 21.04.2023 and is accused in two more criminal cases, in which he is on bail. He further submits that similarly situated co-accused, Manish Kumar @ Manish Das @ Manish Kumar Das has been granted bail by a co-ordinate Bench of this Court vide order dated 12.09.2023 passed in Criminal Miscellaneous Case No. 60188/2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean as he is accused in two more criminal case, both registered under the Excise Act.

6. After going through the order dated 12.09.2023 passed in Criminal Miscellaneous Case No. 60188/2023, it transpires to this Court that the co-accused was granted bail as he was having clean antecedent, but the present petitioner is accused in two more criminal cases.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Rosera P.S. Case No. 253/2023, pending before the learned ACJM, 1, Rosera, Samastipur is hereby rejected.



9. However, the petitioner may renew his prayer for bail after framing of charge.

10. With this observation, the bail application stands disposed of.

**(Dr. Anshuman, J)**

Ashwini/-

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